

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KRISTINE HUSS,)
Plaintiff,) No. CV-06-3037-MWL
v.) ORDER GRANTING JOINT
JO ANNE B. BARNHART,) MOTION FOR REMAND
Commissioner of Social)
Security,)
Defendant.)

The parties have filed a stipulation to remand the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 30). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 8). After considering the stipulation,

IT IS ORDERED that the above-captioned case be remanded for further administrative proceedings. Upon remand, the Administrative Law Judge ("ALJ") will: (1) evaluate all of Plaintiff's mental impairments; (2) consider all of the opinion evidence, including the opinions of Sandy Birdlebough, Ph.D. (AR 514-517), C. Donald Williams, M.D. (AR 518-522), Rodolfo Trivisonno, M.D. (AR 590), the state agency psychologists (AR 561-564), Jay M. Toews, Ed.D. (AR 51-57), Nikki Roger, M.S.W. (AR 529-

1 533) and Christopher Clark, M.E.d., L.M.H.C (AR 571-575), and
2 provide rationale for accepting or rejecting the opinion evidence;
3 (3) discuss and consider the statement of Thomas Denlea that
4 Plaintiff had excessive absenteeism, was unable to complete tasks
5 and was unable to work independently (AR 132-133); (4) consider
6 the materiality of Plaintiff's substance abuse disorder; and
7 (5) obtain evidence from a vocational expert to determine whether
8 or not jobs exist in significant numbers that Plaintiff can
9 perform within her residual functional capacity.

10 Accordingly, this Court hereby reverses the Commissioner's
11 decision under sentence four of 42 U.S.C. § 405(g) with a remand
12 of the cause to the Commissioner for further proceedings. See
13 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

14 **IT IS FURTHER ORDERED:**

15 1. The parties Joint Motion to Remand (**Ct. Rec. 30**) is
16 **GRANTED**.

17 2. Judgment shall be entered for the **PLAINTIFF**.

18 3. An application for attorney fees may be filed by
19 separate motion.

20 4. The District Court Executive is directed to enter this
21 Order, forward copies to counsel, and thereafter shall **close** this
22 file.

23 DATED this 29th day of December, 2006.

24

25 _____ S/ Michael W. Leavitt

26 _____ MICHAEL W. LEAVITT
27 UNITED STATES MAGISTRATE JUDGE

28